

FILED

OCT 16 2000



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

SOUTH DAKOTA FARM BUREAU, INC.; )  
SOUTH DAKOTA SHEEP GROWERS )  
ASSOCIATION, INC.; HAVERHALS )  
FEEDLOT, INC.; SJOVALL FEEDYARD, )  
INC.; FRANK D. BROST; DONALD )  
TESCH; WILLIAM A. AESCHLIMANN; )  
SPEAR H RANCH, INC.; )  
MARSTON HOLBEN; )  
MONTANA-DAKOTA UTILITIES CO.; )  
NORTHWESTERN PUBLIC SERVICE; )  
And OTTER TAIL POWER COMPANY, )

Plaintiffs, )

v. )

STATE OF SOUTH DAKOTA; )  
MARK W. BARNETT, in his official )  
capacity as Attorney General of )  
South Dakota; and JOYCE )  
HAZELTINE, in her official )  
capacity as Secretary of State )  
of South Dakota, )

Defendants. )

DAKOTA RURAL ACTION; and )  
SOUTH DAKOTA RESOURCES COALITION )

Defendant-Intervenors. )

No. 99-CV-3018 CK

DEFENDANT-INTERVENORS'  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT

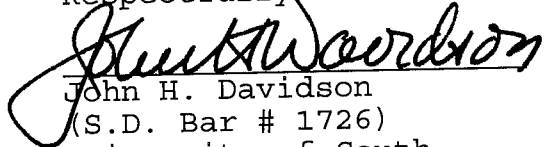
MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendant-intervenors, Dakota Rural Action ("DRA") and South Dakota Resources Coalition ("SDRC") hereby move the Court for partial summary judgment pursuant to Fed. R. Civ. P. 56(c). DRA and SDRC support this motion with the accompanying Memorandum of Points and Authorities, Statement of Material Facts, and documentary evidence. As is more

fully set forth in these documents, there is no genuine issue as to any material fact and DRA and SDRC are entitled to judgment as a matter of law.

Dated: 13 Oct 2000

Respectfully submitted,



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intervenor: Dakota Rural  
Action and South Dakota  
Resources Coalition.